

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-1530V

(not to be published)

RYAN M. SCHMIDT,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 12, 2022

Special Processing Unit (SPU);  
Attorney's Fees and Costs

*David J. Ward, Michel & Ward, Chattanooga, TN, for Petitioner.*

*Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION ON ATTORNEY'S FEES AND COSTS<sup>1</sup>**

On December 22, 2021, Petitioner filed a joint stipulation to voluntarily dismiss the above-captioned claim. Accordingly, pursuant to Vaccine Rule 21(a), the above-captioned claim was dismissed without prejudice on December 23, 2021. (ECF No. 58).

Petitioner has now filed a motion for attorney's fees and costs, dated May 11, 2022 (ECF No. 60), requesting a total award of \$12,224.65 (representing \$12,143.50 in fees and \$81.15 in costs). In accordance with General Order No. 9, Petitioner filed a signed statement indicating that he incurred no out-of-pocket expenses. (ECF No. 63). Respondent reacted to the motion on May 24, 2022, indicating that "the Chief Special Master find that petitioner is eligible for an award of attorneys' fees and costs, respondent respectfully recommends that the Chief Special Master exercise his discretion and determine

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<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

a reasonable award for attorneys' fees and costs". (ECF No. 61). Petitioner did not file a reply thereafter.

I have reviewed the billing records submitted with Petitioner's request. In my experience, the request appears reasonable, and I find no cause to reduce the requested hours or rates.

The Vaccine Act permits an award of reasonable attorney's fees and costs. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$12,224.65** (representing \$12,143.50 in fees and \$81.15 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel. In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk shall enter judgment in accordance with this decision.<sup>2</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.